

Plaintiffs' Exhibit J

**VIDEO TELECONFERENCE DEPOSITION
HANNAH E. WHELAN**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN, and
CASSIDY WOOD,

Plaintiffs,

- against - Case No.
 1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

Video teleconference deposition of **HANNAH E. WHELAN**, Plaintiff, present at HODGSON RUSS LLP, The Guaranty Building, 140 Pearl Street, Suite 100, Buffalo, New York, taken pursuant to the Federal Rules of Civil Procedure, connecting to various locations on September 17, 2024, commencing at 9:39 a.m., before ANDREA J. DEMYAN, Notary Public.

10:52:30 1 **A.** Correct. And the ABEC department was
10:52:37 2 really the selling factor for me. It was a
10:52:40 3 combination of --

10:52:41 4 **Q.** Those three?

10:52:42 5 **A.** -- those three.

10:52:45 6 **Q.** Okay. Ms. Whelan, the -- the ABEC
10:52:49 7 department, did you visit it during your campus
10:52:54 8 visit prior to admission to Canisius --

10:52:56 9 **MS. NANAU:** Objection.

10:52:56 10 **BY MR. D'ANTONIO:**

10:52:56 11 **Q.** -- or prior to attending Canisius?

10:52:58 12 **MS. NANAU:** Objection to form. You may
10:53:00 13 answer.

10:53:00 14 **BY MR. D'ANTONIO:**

10:53:01 15 **Q.** Do you want me to try it again?

10:53:02 16 I know you said you went to visit the
10:53:03 17 college before you actually enrolled there, yes?

10:53:06 18 **A.** Correct.

10:53:06 19 **Q.** Okay. Did you speak with anybody at
10:53:09 20 the ABEC department during that visit?

10:53:12 21 **A.** No.

10:53:13 22 **Q.** Okay. Was it only one visit or did you
10:53:15 23 go more than once?

10:53:16 1 **A.** I went more than once.

10:53:18 2 **Q.** Okay.

10:53:20 3 **A.** I went twice. I went to accepted

10:53:23 4 students day after my initial visit.

10:53:25 5 **Q.** Okay.

10:53:25 6 **A.** On the initial visit, I had a tour

10:53:28 7 guide who was an ABEC major.

10:53:30 8 **Q.** Okay.

10:53:30 9 **A.** So I talked to the tour guide a lot

10:53:33 10 about the ABEC program and then we also had a sort

10:53:36 11 of meet and greet with Dr. Stuart who was a member

10:53:41 12 of the bio department and he also spoke to the --

10:53:44 13 **Q.** Andrew Stuart?

10:53:46 14 **A.** Handlebar mustache, yeah.

10:53:49 15 **Q.** Andrew Stuart, right.

10:53:51 16 **A.** And he spoke to the biology department

10:53:52 17 and the ABEC department during his kind of speech

10:53:55 18 he gave the students and the parents.

10:54:00 19 So no, I didn't speak with any staff

10:54:02 20 directly, but I was still able to kind of get a

10:54:05 21 good understanding of the program and what it had

10:54:07 22 to offer.

10:54:08 23 **Q.** You learned a little more when you

10:54:12 1 spoke with both the student and with
10:54:14 2 Professor Stuart?

10:54:15 3 **A.** Yes.

10:54:15 4 **MS. NANAU:** Objection to form.

10:54:17 5 **BY MR. D'ANTONIO:**

10:54:18 6 **Q.** Okay. Do you remember the name of the
10:54:20 7 student who was your tour guide?

10:54:22 8 **A.** No.

10:54:22 9 **Q.** Okay. What specifically attracted you
10:54:31 10 to the ABEC program, if you remember?

10:54:34 11 **A.** So I always had a passion for wildlife
10:54:38 12 growing up. My initial aspiration was to go into
10:54:44 13 wildlife veterinary science, but I quickly learned
10:54:47 14 in my first few weeks at Canisius that my passion
10:54:50 15 was for wildlife and not for medicine at all.

10:54:53 16 And so I was pulled towards the ABEC program
10:54:59 17 because I found that it was a way for me to focus
10:55:02 18 veterinary science through a wildlife lens and not
10:55:06 19 necessarily at a school like Cornell where it would
10:55:09 20 have been mostly focused on small animal clinics
10:55:14 21 and agriculture and livestock.

10:55:17 22 Canisius had that at the time I viewed as
10:55:20 23 like this cutting edge program that could give me a

10:55:24 1 good kind of foundation in wildlife medicine that
10:55:30 2 other schools couldn't really offer.

10:55:33 3 Q. And I think you said that you were --
10:55:35 4 you were attracted -- you learned quickly you were
10:55:37 5 attracted to the wildlife side, but not to the
10:55:40 6 medicine side?

10:55:42 7 A. Correct.

10:55:42 8 Q. Why not?

10:55:43 9 A. I think that once I started to struggle
10:55:45 10 in courses like chemistry at Canisius, I very
10:55:50 11 easily was able to just kind of let go of wanting
10:55:54 12 to be a veterinarian.

10:55:58 13 However, I was not going to let go of my
10:56:01 14 hopes and aspirations of working with wildlife and
10:56:05 15 so then I just fully leaned into ABEC and very
10:56:10 16 quickly understood that a career that fit me, my
10:56:13 17 interests, and my skills would be pursuing a degree
10:56:17 18 in animal behavior or wildlife ecology.

10:56:22 19 And going on to become a researcher in that
10:56:25 20 field and then to be able to teach people and
10:56:29 21 higher ed very quickly became my aspiration after
10:56:36 22 that first initial probably like month of school at
10:56:41 23 Canisius.

10:56:43 1 **Q.** And I know you also majored in
10:56:49 2 environmental science?

10:56:50 3 **A.** Studies.

10:56:51 4 **Q.** Environmental studies.

5 **A.** Yes.

10:56:52 6 **Q.** I'm sorry, there's a difference?

10:56:53 7 **A.** Yes. Environmental science focuses
10:56:58 8 more on hard science as where environmental studies
10:57:00 9 is more social science.

10:57:01 10 **Q.** Okay. And what attracted you to
10:57:02 11 environmental studies?

10:57:03 12 **A.** I have always kind of -- or I -- I
10:57:07 13 started to really develop a strong understanding
10:57:11 14 and passion for the complicated nature of
10:57:14 15 conservation and how understanding human behavior
10:57:21 16 helps us create policy and helps us create
10:57:26 17 conservation plans that are actually successful in
10:57:35 18 the world that we live in.

10:57:36 19 So I was just really interested in not only
10:57:40 20 the ecology and the biology and the hard science,
10:57:44 21 but also where it kind of meets with social
10:57:46 22 sciences and human behavior and understanding.

10:57:57 23 Canisius's anthrozoology master's program

11:37:02 1 because he could ask you anything from the book on
11:37:06 2 the test and expect you to know the answer.

11:37:09 3 It was really just about memorization and
11:37:11 4 not about helping us grow as biologists or research
11:37:15 5 scientists in any way, shape, or form. There was
11:37:19 6 no lab involved like I was used to with most bio
11:37:23 7 courses.

11:37:24 8 I believe there used to be a lab for
11:37:26 9 Dr. Noonan's courses and it had been removed
11:37:29 10 because of so many complaints about, for example,
11:37:33 11 him forcing students to watch male rats rape female
11:37:39 12 rats.

11:37:40 13 His strange fixations on animal behavior,
11:37:45 14 from at least my understanding, kind of got him in
11:37:48 15 trouble in his labs in the past. I don't know if
11:37:51 16 that's why they were no longer required -- a
11:37:56 17 requirement for the course, but I know that they
11:37:59 18 used to have them.

11:38:02 19 **Q.** Okay. So these criticisms of the Sex,
11:38:20 20 Evolution & Behavior course, did you communicate
11:38:25 21 them to anybody at Canisius while you were taking
11:38:29 22 the course?

11:38:30 23 **A.** I communicated amongst my friends about

11:38:34 1 it. There was this veil that we all had when it
11:38:45 2 came to Dr. Noonan.

11:38:47 3 So during this time that I was in his
11:38:51 4 classes, I worshiped the ground he walked on. I
11:38:54 5 thought he was truly somebody in the field of
11:38:59 6 animal behavior which he was not.

11:39:03 7 However, Canisius allowed us to believe
11:39:06 8 this. They allowed us to believe that we were
11:39:09 9 receiving a cutting edge education from Dr. Noonan
11:39:11 10 and that this whole program was thanks to
11:39:14 11 Dr. Noonan and that he was this mastermind who was
11:39:16 12 going to lead us all to positions like
11:39:21 13 Malini Suchak.

11:39:21 14 And so I really idolized him, I idolized
11:39:26 15 her. Dr. Russell, these students who were former
11:39:28 16 students of Dr. Noonan who were now in these
11:39:30 17 positions I wanted to be in.

11:39:32 18 And so I looked at Dr. Noonan as someone who
11:39:34 19 has been at this school for so many years and I
11:39:40 20 excused all of these things that were red flags and
11:39:43 21 would make me uncomfortable because I was told that
11:39:49 22 if you do as Dr. Noonan says, if you don't rock the
11:39:53 23 boat, he will get you to places like Dr. Suchak, he

11:39:59 1 will lead you directly to success.

11:40:01 2 And he will take you on these incredible
11:40:04 3 trips around the world to study the animals you
11:40:06 4 wish to study as long as you remain in his favor.

11:40:10 5 And so sophomore year and on, so much of my
11:40:18 6 focus as a student was remaining in Dr. Noonan's
11:40:21 7 favor. Being a star student for Dr. Noonan,
11:40:25 8 gaining Dr. Noonan's attention and appreciation as
11:40:27 9 a student so that I could get where I wanted to be
11:40:32 10 which was in a position like Dr. Suchak.

11:40:35 11 And so no, I never complained because I
11:40:38 12 thought surely if there was any danger here -- this
11:40:42 13 man has taught here for so long. Surely if there
11:40:46 14 was any danger here, the school would already know
11:40:49 15 about it and the school would have done something
11:40:52 16 about it.

11:40:53 17 And so -- not to mention we were all being
11:40:56 18 groomed to trust him. So no, I never reported
11:41:02 19 anything at the time. Inevitably I did, however.

11:41:07 20 Q. The impression that you were given that
11:41:26 21 Dr. Noonan was I think you used the term a
11:41:29 22 mastermind, who specifically gave you that
11:41:36 23 impression and what specifically did those people

11:58:23 1 But now I can just see as the greater
11:58:28 2 pattern of him grooming us and getting us to trust
11:58:32 3 him and fully commit to our -- our liking and
11:58:37 4 relationship with him so that then he could then
11:58:40 5 get us close enough to sexually exploit us as
11:58:44 6 students.

11:58:44 7 **Q.** Okay. So let me just spend a minute or
11:58:50 8 two on -- on that and we'll explore that later on.
11:58:52 9 But did Dr. Noonan ever proposition you? By that,
11:59:00 10 I mean did he ever ask you to engage in any sexual
11:59:04 11 act?

11:59:04 12 **A.** He asked me if he could insert an enema
11:59:08 13 into my butt over and over again repeatedly which I
11:59:14 14 can only assume is a sexual fetish of his.

11:59:17 15 **Q.** So I know that's your assumption.

11:59:19 16 **A.** An abnormal behavior.

11:59:20 17 **Q.** Did he ever ask you to have
11:59:22 18 intercourse?

11:59:23 19 **A.** Define intercourse.

11:59:27 20 **Q.** I think it's a pretty well-defined
11:59:31 21 term.

11:59:31 22 **MS. NANAU:** Objection to form.

11:59:32 23 **BY MR. D'ANTONIO:**

11:59:32 1 **Q.** Did he actually ask you, for example,
11:59:35 2 to allow him to put his penis into your vagina?

11:59:39 3 **A.** No, he did not.

11:59:40 4 **Q.** Did he ever ask you to put any part of
11:59:43 5 his body into any part of your body?

11:59:45 6 **A.** His finger into my butt.

11:59:47 7 **Q.** Okay. He asked for permission to do
11:59:49 8 that?

11:59:49 9 **A.** He asked me for permission to insert a
11:59:53 10 suppository into my butt and then described to me
11:59:57 11 exactly how he would do it and what he would need
11:59:59 12 to do in order to be successful in inserting a
12:00:03 13 suppository into my butt.

12:00:04 14 Which included I would need to push into
12:00:07 15 your butt past the tight part and then you would
12:00:10 16 relax. That would allow the suppository to melt
12:00:13 17 and I'd hold my finger up there so it wouldn't
12:00:17 18 spill out into your cheeks.

12:00:19 19 **Q.** Did he explain to you a concern that
12:00:28 20 would have caused you to need the suppository?

12:00:31 21 **MS. NANAU:** Objection to form. You may
12:00:32 22 answer.

12:00:33 23 **BY MR. D'ANTONIO:**

12:00:35 1 **Q.** Okay. You were constipated on the
12:00:36 2 trip?

12:00:36 3 **A.** Did he -- was he concerned for me --

12:00:38 4 **Q.** I'm asking -- I'll ask it a different
12:00:41 5 way. You were constipated on the trip; is that
12:00:44 6 right?

12:00:44 7 **A.** Correct. In which I never --

12:00:45 8 **Q.** Let me -- let me just -- I know --
12:00:48 9 look, I know you -- you want to talk and that's
12:00:50 10 fine, but certain times I just need answers to the
12:00:53 11 questions and then we'll follow up. Okay?

12:00:56 12 Did you understand that he had a concern
12:01:04 13 about your constipation?

12:01:06 14 **MS. NANAU:** Objection to form. You may
12:01:08 15 answer.

12:01:08 16 **THE WITNESS:** I understood very clearly that
12:01:16 17 he wanted me to believe that he was concerned about
12:01:18 18 my constipation.

12:01:19 19 **BY MR. D'ANTONIO:**

12:01:20 20 **Q.** Okay. All right. That's fine. Let me
12:01:22 21 just ask then the words he used, did he tell you he
12:01:31 22 was concerned about your constipation?

12:01:34 23 **MS. NANAU:** Objection to form. You may

12:01:35 1 answer. Asked and answered.

12:01:37 2 **THE WITNESS:** The first time he expressed
12:01:38 3 his supposed concern for my constipation was when
12:01:42 4 he pulled me aside in a hotel in New Dehli that we
12:01:47 5 had just arrived at.

12:01:49 6 I had been talking to a friend in the van we
12:01:52 7 were in on the way to the hotel about how I was so
12:01:58 8 relieved she remembered to bring laxatives because
12:02:01 9 I forgot and I normally have issues when I travel
12:02:05 10 especially to different time zones.

12:02:08 11 **BY MR. D'ANTONIO:**

12:02:08 12 **Q.** Okay.

12:02:08 13 **A.** I was not asking for him to be
12:02:11 14 concerned for me nor was I even aware that he
12:02:14 15 overheard our conversation.

12:02:15 16 **Q.** I didn't ask you that question.

12:02:16 17 **A.** Mm-hmm.

12:02:17 18 **Q.** What I asked you was whether he
12:02:20 19 expressed concern to you about constipation.

12:02:25 20 **A.** I would say --

12:02:26 21 **MS. NANAU:** Objection. Asked and answered.

12:02:29 22 You may answer.

12:02:30 23 **THE WITNESS:** I would say he was more so

12:02:32 1 obsessed with the idea that I was constipated, less
12:02:35 2 so concerned with my constipation.

12:02:38 3 **BY MR. D'ANTONIO:**

12:02:38 4 **Q.** And I know that's your assumption, but
12:02:40 5 I'm asking did he tell you he was concerned because
12:02:45 6 people who are constipated can have medical
12:02:49 7 problems, did he tell you that?

12:02:51 8 **MS. NANAU:** Objection to form. You may
12:02:52 9 answer.

12:02:52 10 **THE WITNESS:** Oh, yes. He -- he --

12:02:55 11 **BY MR. D'ANTONIO:**

12:02:55 12 **Q.** Okay.

12:02:55 13 **A.** -- made us feel like we were --

12:02:58 14 **Q.** I didn't ask that.

12:02:59 15 **A.** -- imperil.

12:02:59 16 **Q.** I just asked whether he told you that
17 and --

12:03:02 18 **A.** That we might possibly --

12:03:02 19 **MS. NANAU:** Okay. I'm going to object to
12:03:07 20 the colloquy because Ms. Whelan is trying to answer
12:03:11 21 your question which words did he use to express
12:03:15 22 concern about her state.

12:03:16 23 **MR. D'ANTONIO:** Can we have just have the

12:07:01 1 spring. So like the weather was nicer, it was
12:07:04 2 towards the end of the semester, it was on a
12:07:07 3 weekend.

12:07:09 4 **Q.** Spring 2018?

12:07:10 5 **A.** Yes.

12:07:11 6 **Q.** Okay. So you would have been a
12:07:12 7 sophomore?

12:07:13 8 **A.** Yes.

12:07:13 9 **Q.** Okay. Any other trips?

12:07:17 10 **A.** That is the only one I can recall.

12:07:25 11 **Q.** I'm only asking for your best
12:07:26 12 recollection.

12:07:27 13 **A.** That wasn't -- there were other trips
12:07:29 14 related to coursework other than the wolf callers.

12:07:33 15 **Q.** And tell me about those, where were
12:07:35 16 those trips?

12:07:36 17 **A.** One of them was to go see an artist in
12:07:41 18 Canada and that was after we had planned to report
12:07:45 19 Dr. Noonan to Title IX so that was a very
12:07:49 20 uncomfortable trip.

12:07:50 21 That was him monopolizing our time once
12:07:53 22 again. It was a man who painted wildlife. It
12:07:57 23 really had nothing to do with our project and the

12:07:59 1 focus of it whatsoever and he was very angry at us
12:08:04 2 when we told him that.

12:08:07 3 He doesn't -- he never likes when you
12:08:09 4 question his authority and we were basically like
12:08:13 5 what are we doing here and he didn't have a good
12:08:16 6 reason and truly I believe he just wanted to
12:08:18 7 monopolize our time because he knew something was
12:08:21 8 going on.

12:08:21 9 He knew he was losing our favor and so he
12:08:24 10 was really desperate to spend as much time with us
12:08:26 11 as he possibly could.

12:08:28 12 Q. So when was this trip to visit the
12:08:31 13 artist in Canada?

12:08:32 14 A. My recollection, it was sometime after
12:08:35 15 we all decided to report him to -- it could have
12:08:41 16 been after we actually reported him to Title IX or
12:08:44 17 after we all decided to report him to Title IX.

12:08:48 18 Because in my memory, we were all very
12:08:50 19 uncomfortable and fearful of what he knew at that
12:08:56 20 point, but I don't have an exact recollection of
12:09:00 21 when it was other than in that general time period.

12:09:03 22 Q. So this trip, was this part of the
12:09:11 23 course or a course?

12:09:14 1 **A.** It was technically part of Project
12:09:17 2 Tiger.

12:09:19 3 **Q.** And this artist in Canada, do you
12:09:21 4 remember the name of the person --

12:09:22 5 **A.** No.

12:09:22 6 **Q.** -- do you remember where it was?

12:09:23 7 **A.** It was Niagara-on-the-Lake. I don't
12:09:25 8 remember his name. He wasn't even affiliated with
12:09:29 9 tiger related artwork, it was just wildlife in
12:09:33 10 general. It was really random.

12:09:38 11 **Q.** And did all of the students in the
12:09:40 12 class -- or did all the students who were on the
12:09:44 13 Project Wolf trip then go to this -- on this trip
12:09:47 14 to Canada?

12:09:48 15 **A.** My memory is most of us being there. I
12:09:51 16 can't remember if there was anyone missing, but I
12:09:56 17 do know [REDACTED] was there, Cici Wood,
12:10:00 18 [REDACTED] Lily Engebrecht, Sierra -- I don't
12:10:05 19 know her last name -- and then maybe [REDACTED]
12:10:11 20 I'm not totally positive, but it was all Project
12:10:15 21 Tiger girls.

12:10:15 22 **Q.** And were you told that that trip was
12:10:18 23 mandatory?

12:10:18 1 **A.** Yes.

12:10:18 2 **Q.** Okay. By Professor Noonan?

12:10:20 3 **A.** Yes. And he took us there in the
12:10:22 4 evening. I remember it being very dark on the
12:10:24 5 drive back. It was most certainly during the
12:10:31 6 school week. We probably all had really important
12:10:33 7 things to be doing at that time like other
12:10:36 8 coursework.

12:10:44 9 And I remember him in the car expressing to
12:10:45 10 us that we were trying to overthrow him and none of
12:10:49 11 us knew what that meant and he had told us multiple
12:10:51 12 times in India, you are all ganging up on me,
12:10:54 13 you're trying to overthrow me.

12:10:56 14 And we weren't totally positive where this
12:10:59 15 fear of being overthrown was coming from or -- I
12:11:06 16 mean, I can place it as classic manipulation, but I
12:11:11 17 remember him thinking we were going to overthrow
12:11:13 18 him.

12:11:13 19 Because we -- we were just questioning his
12:11:15 20 ideas, like why -- why were we being asked to spend
12:11:18 21 our school time interviewing an artist who has
12:11:21 22 nothing to do with tiger conservation.

12:11:23 23 **Q.** Okay. So this -- this comment about

13:20:32 1 modest when you were in India?

13:20:34 2 **A.** Yes.

13:20:35 3 **Q.** Okay. And -- and you -- I know you
13:20:38 4 said that you thought that it was because he was
13:20:40 5 trying to be controlling, he didn't say that,
13:20:43 6 correct, that was your surmise?

13:20:44 7 **A.** He said I own your bodies.

13:20:47 8 **Q.** Okay.

13:20:47 9 **A.** So you cannot dye your hair or wear
13:20:49 10 things that I tell you you can't and he
13:20:52 11 specifically told us in India that he owned our
13:20:55 12 bodies while we were on these projects.

13:20:57 13 **Q.** Okay.

13:20:57 14 **A.** Because we technically were his
13:21:00 15 property because we were in his films so he did
13:21:04 16 actually specifically say that.

13:21:06 17 **Q.** Okay.

13:21:06 18 **A.** And that's also why he would touch us
13:21:09 19 and fix our bra straps and comment on like whether
13:21:14 20 or not we had too much like cleavage.

13:21:19 21 Like he'd basically say like we don't look
13:21:21 22 flat-chested enough or we look too flat-chested and
13:21:25 23 recommend -- like ask us if we needed to like wear

13:21:28 1 different undergarments. Like he'd just make
13:21:32 2 strange comments about like the size of our
13:21:33 3 breasts.

13:21:33 4 In no way was he saying like you need to
13:21:36 5 make them look bigger, but he would comment like
13:21:38 6 you look awfully flat-chested, things of that
13:21:40 7 nature to my friends. So he would make those
13:21:44 8 strange comments about --

13:21:46 9 **Q.** I'm sorry, go ahead.

13:21:47 10 **A.** -- about just our general -- it was
13:21:50 11 very bra and chest focused, his concerns about
13:21:54 12 modesty. It wasn't -- that's all -- that's just my
13:21:58 13 recollection of it.

13:22:01 14 **Q.** Okay. In terms of -- of the -- of
13:22:05 15 the -- I think you said he touched your bra straps,
13:22:08 16 how would he do that?

13:22:09 17 **A.** He'd come up and point to it and then
13:22:13 18 he'd kind of like look at you like put that away.

13:22:16 19 **Q.** Okay. All right. And then you would
13:22:18 20 tuck it in?

13:22:18 21 **A.** Correct.

13:22:19 22 **Q.** All right. And when you say pointed,
13:22:21 23 it looked to me you had your finger by your

13:49:31 1 reflection, I have a different --

13:49:32 2 **A.** Yeah.

13:49:32 3 **Q.** -- somewhat different understanding.

13:49:35 4 **A.** Right.

13:49:36 5 **Q.** Okay. So how long would the -- would
13:49:39 6 the meetings last where you would reconvene after
13:49:41 7 you had gotten yourselves ready to go to sleep?

13:49:44 8 **A.** An hour max.

13:49:45 9 **Q.** Okay. And was -- was there food or
13:49:49 10 anything like that or was it just conversation?

13:49:51 11 **A.** It was just conversation.

13:49:52 12 **Q.** Okay. And did you ever express to
13:49:56 13 Dr. Noonan any objection to those meetings where
13:50:01 14 you would reconvene at the end of the -- end of the
13:50:04 15 day?

13:50:04 16 **A.** No. It seemed like this was a pretty
13:50:07 17 normal occurrence on his trips so I naturally
13:50:11 18 didn't see anything necessarily wrong with it at
13:50:15 19 the time. Like I felt like, oh, this is just --
13:50:17 20 again, this is just how Dr. Noonan does things,
13:50:19 21 this is how it goes.

13:50:21 22 **Q.** Right. Did any of your colleagues on
13:50:25 23 the trip to Colorado express a concern, an

13:50:31 1 objection to those meetings at the end of the
13:50:34 2 day --

13:50:36 3 **MS. NANAU:** Objection to form.

13:50:36 4 **BY MR. D'ANTONIO:**

13:50:36 5 **Q.** -- that you heard or learned of?

13:50:38 6 **A.** I remember specifically Megan Miller
13:50:41 7 and Jasil being like uncomfortable coming back in
13:50:45 8 their pajamas and not knowing like do we have to
13:50:49 9 change in our pajamas.

13:50:50 10 Like I don't know if they ultimately decided
13:50:54 11 not to or any details, but I do remember there
13:50:56 12 being a like general discomfort around like feeling
13:50:58 13 this pressure, like, okay, now everyone has to go
13:51:01 14 put their pajamas on.

13:51:03 15 It was just kind of like, okay -- like yeah,
13:51:04 16 there was definitely expressed to me some people
13:51:07 17 didn't want to put their pajamas on. I think
13:51:09 18 ultimately everyone did though.

13:51:11 19 **Q.** I was going to ask, was that reluctance
13:51:16 20 on the part of Megan and Jasil --

13:51:19 21 **A.** Mm-hmm.

13:51:20 22 **Q.** -- was that expressed to Dr. Noonan or
13:51:23 23 was that expressed to you -- to you?

13:51:24 1 **A.** To me.

13:51:25 2 **Q.** Okay.

13:51:25 3 **A.** Yeah, to the students. It was amongst
13:51:27 4 the students.

13:51:28 5 **Q.** Okay. And -- and in terms of -- of --
13:51:35 6 the same questions I asked you before, prior to
13:51:37 7 January of 2019, do you know if that reconvening at
13:51:41 8 the end of the day ritual, was reported to anyone
13:51:44 9 at Canisius faulty or staff?

13:51:46 10 **MS. NANAU:** Objection to form. You can
13:51:47 11 answer.

13:51:47 12 **THE WITNESS:** Not to my knowledge.

13:51:49 13 **BY MR. D'ANTONIO:**

13:51:51 14 **Q.** Okay. Did there come a time when the
13:52:11 15 video from your Project Wolf trip was -- was
13:52:15 16 created, was assembled?

13:52:17 17 **A.** Yes.

13:52:17 18 **MS. NANAU:** Objection to form.

13:52:19 19 **MR. D'ANTONIO:** Okay.

13:52:22 20 **MS. NANAU:** You can answer.

13:52:23 21 **BY MR. D'ANTONIO:**

13:52:23 22 **Q.** And when did that occur, if you
13:52:25 23 remember?

14:26:12 1 direct.

14:26:12 2 Or, for example, I wanted to go into a
14:26:18 3 graduate program or a Ph.D and something that
14:26:22 4 focused on anthrozoology and so eventually I wanted
14:26:28 5 to then end up as a professor.

14:26:30 6 But my aspirations at the time were really
14:26:32 7 to just get into a graduate program or a Ph.D
14:26:40 8 program and then I was open to the possibilities
14:26:43 9 that that would open up to me.

14:26:45 10 **Q.** Okay.

14:26:45 11 **A.** But most interested in becoming to some
14:26:49 12 capacity an environmental educator, whether that
14:26:52 13 was in the field of research or in a college
14:26:55 14 setting.

14:26:56 15 **Q.** Either -- either way, that would
14:26:59 16 require additional education beyond the bachelor's
14:27:02 17 degree, right?

14:27:03 18 **A.** Correct.

14:27:03 19 **Q.** Okay. And I think I know the answer to
14:27:08 20 this question, but I want to make sure. You've
14:27:11 21 never applied for either admission to a master's
14:27:18 22 program or a Ph.D program that would have led to
14:27:21 23 that career path, right?

14:27:23 1 **A.** Correct.

14:27:23 2 **Q.** Okay. And tell me why.

14:27:27 3 **A.** So essentially I was very driven. I
14:27:36 4 think you can tell from my responses to the Project
14:27:39 5 Tiger application, I was very passionate about this
14:27:42 6 field of study and I really put all my eggs in one
14:27:48 7 basket which was Dr. Noonan.

14:27:50 8 He was my mentor, he was my -- he was the
14:27:55 9 one who provided me access to field work, he was
14:28:00 10 going to be my recommendation. And once I lost my
14:28:06 11 relationship with him and recognized how horrible
14:28:10 12 and manipulative that relationship was, it was just
14:28:15 13 very disheartening, disorienting.

14:28:20 14 I no longer was finding myself to have
14:28:22 15 passion for what I once had and I tried to cling to
14:28:26 16 it. I by no means wanted to let my dream go, but
14:28:34 17 it wasn't bringing me the same happiness and
14:28:37 18 passion it once was.

14:28:39 19 And so I ended up leaving school with no
14:28:43 20 plan to apply to a graduate program because I no
14:28:47 21 longer had any idea what I wanted to do
14:28:50 22 professionally.

14:28:52 23 I needed to pivot, I knew that. I didn't

14:28:56 1 know exactly what direction I was going to go in.
14:28:59 2 I was hoping that I could find my passion again in
14:29:05 3 which I never have found it.

14:29:09 4 **Q.** Did you ever discuss your potential
14:29:14 5 career path in the period after your relationship
14:29:19 6 with Dr. Noonan ended? With say Dr. Suchak or --
14:29:26 7 we'll start with that.

14:29:27 8 **A.** No. I didn't have a close relationship
14:29:29 9 with any of the other ABEC faulty and after my
14:29:33 10 relationship with Dr. Noonan ended, it was very
14:29:36 11 hostile in the ABEC department.

14:29:39 12 I didn't feel comfortable going to any of
14:29:42 13 the ABEC professors. I didn't even go to
14:29:44 14 Dr. Russell who was my academic advisor.

14:29:48 15 We were very much met with the attitude of
14:29:54 16 why did you guys report him, this is an
14:29:56 17 inconvenience for us and now we have so much more
14:30:00 18 work to do.

14:30:00 19 So I completely pivoted to my environmental
14:30:05 20 studies department and I became a research student
14:30:07 21 for Dr. Erin Robinson in environmental studies and
14:30:10 22 I was going to see the rest of my -- I was going to
14:30:14 23 see -- you know, I was going to get the ABEC

14:30:17 1 degree, but that was only because I only had my
14:30:20 2 senior year left.

14:30:21 3 As far as my interests went, I completely
14:30:23 4 pivoted and wanted to see if there was something I
14:30:26 5 could maybe get published in research for
14:30:31 6 environmental studies.

14:30:34 7 Nothing came to fruition there especially
14:30:38 8 because COVID hit and so it really just disrupted
14:30:41 9 any research processes we had laid out. But, yeah,
14:30:44 10 so I did not reach out to Dr. Suchak.

14:30:48 11 Q. Okay. In terms of your -- of your
14:30:54 12 perception that there was hostility in the ABEC
14:30:58 13 department, did anyone ever say to you that they
14:31:07 14 were upset with you for having reported Dr. Noonan?

14:31:10 15 A. Not in those words, no.

14:31:14 16 Q. Did they ever say anything to you in
14:31:20 17 other words that caused you to believe that they
14:31:24 18 felt that your reporting was an inconvenience?

14:31:31 19 A. Yes.

14:31:31 20 Q. What were the words or were the -- what
14:31:32 21 was the context of that communication?

14:31:34 22 MS. NANAU: Objection to form. You can
14:31:35 23 answer.

14:31:35 1 **THE WITNESS:** When we would meet with
14:31:39 2 Dr. Margulis, she made it very clear that she
14:31:41 3 didn't have a lot of time, it was difficult to set
14:31:43 4 up meetings with her.

14:31:44 5 And she was having to now -- and she wanted
14:31:48 6 us to be understanding of that because she had so
14:31:54 7 much other stuff going on and now it was her
14:31:57 8 responsibility to have to pick up the
14:32:01 9 responsibilities of Dr. Noonan.

14:32:04 10 And then she also made reference to other
14:32:07 11 professors, not directly, but saying that other
14:32:10 12 professors in the department were also going to
14:32:11 13 have to teach his course and whatnot and her
14:32:17 14 attitude was very inconvenienced is how I would
14:32:24 15 describe it.

14:32:26 16 **BY MR. D'ANTONIO:**

14:32:26 17 **Q.** That's your perception?

14:32:28 18 **A.** You could call it that.

14:32:30 19 **Q.** Okay.

14:32:30 20 **A.** That was my reality, but --

14:32:33 21 **Q.** Okay. When you say it's your reality,
14:32:36 22 I guess what I'm trying to understand is, did in
14:32:41 23 fact the other professors -- strike that.

14:37:28 1 **BY MR. D'ANTONIO:**

14:37:29 2 **Q.** Yes. Yeah.

14:37:30 3 **A.** You mean like when we reported to Title

14:37:33 4 IX?

14:37:33 5 **Q.** Yeah.

14:37:34 6 **A.** No.

14:37:34 7 **Q.** Okay. So -- well, let's do it this
14:37:41 8 way. When you were on the trip, did you reach out
14:37:47 9 to anyone at Canisius?

14:37:50 10 **A.** No, I was very fearful of doing that.

14:37:54 11 I was alone with him, there were no other
14:37:56 12 chaperones. So we did actually come together as a
14:37:59 13 group and consider that option.

14:38:00 14 We had a computer where we had access to the
14:38:03 15 internet to communicate with Canisius, but we all
14:38:05 16 agreed that it was too risky. We didn't know how
14:38:10 17 Canisius would handle that.

14:38:11 18 We didn't know if -- again, we just -- we
14:38:13 19 didn't know how things would unfold, there was a
14:38:16 20 lot of uncertainty. So we considered it.

14:38:19 21 We honestly wanted to, but we felt like it
14:38:23 22 was in our best -- it was our best to protect each
14:38:28 23 other at that point and then decide what to do once

14:38:32 1 we got home.

14:38:33 2 Q. And how many students were on the trip?

14:38:34 3 A. Eight.

14:38:35 4 Q. Okay.

14:38:35 5 A. All women.

14:38:36 6 Q. Was that a group decision that was
14:38:38 7 made? In other words, did all eight of you --

8 A. Yes.

14:38:40 9 Q. -- agree? Okay. Did you reach out to
14:38:48 10 your parents?

14:38:48 11 A. No.

14:38:48 12 Q. Okay. Do you know if any of the others
14:38:50 13 did, reach out to their parents?

14:38:52 14 A. I'm not aware.

14:38:53 15 Q. Okay. Did you discuss as a group
14:38:59 16 whether to contact your parents?

14:39:00 17 A. We discussed that we supported each
14:39:05 18 other in any, way, shape or form that anything
14:39:08 19 needed to be communicated. So -- but no we never
14:39:10 20 said --

14:39:12 21 Q. Okay. Try my question.

14:39:13 22 A. No, we did not -- sorry, can you repeat
14:39:16 23 the question?

14:42:15 1 and discussed that.

14:42:16 2 Q. Where did that happen?

14:42:18 3 A. That happened at 15 Hughes.

14:42:21 4 Q. At your house?

14:42:22 5 A. It wasn't my house at the time, it was

14:42:24 6 Lily Engebrecht's house. I was living up the road

14:42:26 7 on Hughes at the other address.

14:42:28 8 Q. I see. Okay. And -- and did all of

14:42:30 9 you get together?

14:42:31 10 A. To my recollection, everyone from
14:42:36 11 Project Tiger was there. I can't remember anyone
14:42:39 12 who was missing.

14:42:40 13 Q. And -- and when did this happen?

14:42:44 14 A. This happened -- the day I can't
14:42:48 15 remember, but I remember that school had been --
14:42:51 16 all classes had been canceled for the rest of the
14:42:54 17 day.

14:42:54 18 So we had been planning to meet -- it was
14:42:56 19 sometime in the first week of February I want to
14:42:59 20 say around that time period. All classes had been
14:43:03 21 canceled.

14:43:04 22 We'd been planning to meet like either later
14:43:06 23 that evening and then once classes were canceled,

14:43:09 1 we were all like, hey, if we're all free, let's
14:43:13 2 meet at Lily's house.

14:43:14 3 And so everyone was free and so yeah, that's
14:43:16 4 when we really sat down and had a discussion
14:43:19 5 because I think there was this period of time when
14:43:20 6 we came back from India where we were all kind of
14:43:25 7 still in shock.

14:43:26 8 Like, okay, now we're home, let's process
14:43:29 9 this, what happened, how do we feel about it, and
14:43:33 10 then we all wanted to get together because we all
14:43:36 11 had different things at stake.

14:43:38 12 People had research at stake, we had -- we
14:43:41 13 all had our relationship with Dr. Noonan and what
14:43:44 14 value that was going to bring to us at stake, and
14:43:48 15 people like myself had previously dealt with Title
14:43:51 16 IX and I wasn't necessarily excited about having to
14:43:55 17 go through that process again.

14:43:56 18 So we all had different things to discuss
14:43:59 19 and so we wanted to be really respectful of each
14:44:02 20 other through the process. We didn't want to make
14:44:05 21 anyone feel forced to come forward if they were not
14:44:07 22 comfortable. And yeah, so not -- I think everyone
14:44:12 23 did end up coming forward to Title IX.

14:58:45 1 **MS. NANAU:** Objection to form.

14:58:46 2 **BY MR. D'ANTONIO:**

14:58:46 3 **Q.** If you know.

14:58:47 4 **A.** I believe we were asked by

14:58:54 5 Ms. Walleshauser to prepare statements.

14:58:58 6 **Q.** Before -- before your meeting with her
14:59:01 7 on the -- on the 11th?

14:59:04 8 **A.** This could have been -- okay. So I
14:59:07 9 believe what this is was I was asked to kind of
14:59:12 10 speak on behalf of us at the meeting we had with
14:59:16 11 Ms. Walleshauser.

14:59:17 12 **Q.** Okay. All right.

14:59:17 13 **A.** And so I was thinking maybe this was
14:59:20 14 what she had asked of me after the initial meeting,
14:59:23 15 but I think now that I am recalling, this was kind
14:59:28 16 of the introduction.

14:59:29 17 So I was going to basically read this to
14:59:32 18 her. We all as a group decided that the instance
14:59:35 19 that occurred with me and [REDACTED] in the room
14:59:40 20 was something we wanted to lead with because we
14:59:43 21 really wanted the school to take us seriously and
14:59:46 22 we felt like this instance was certainly the most
14:59:51 23 dangerous instance as students we were in with him

14:59:55 1 on that trip.

14:59:57 2 So yes, so my intention with this was to
15:00:00 3 really grab Ms. Walleshauser's attention and really
15:00:08 4 try to right off the bat get the school to listen
15:00:10 5 to our concerns and understand like the severity of
15:00:15 6 them.

15:00:15 7 But that is why I point out a couple of
15:00:18 8 times -- I think I say the list of complaints we
15:00:21 9 have is quite literally enormous and then I think I
15:00:25 10 say at the very end, this is one of many concerning
15:00:28 11 incidents that occurred on the trip to kind of open
15:00:29 12 up the conversation to the fact that this wasn't
15:00:31 13 the only behavior we wanted to report.

15:00:33 14 **Q.** Okay. But this was in your mind
15:00:37 15 anyway, the most serious of the behaviors?

15:00:38 16 **A.** Yes.

15:00:42 17 **Q.** Okay. So the -- the sixth bullet down,
15:00:58 18 which is the largest paragraph on page 1, I'm going
15:01:02 19 to read a couple of things from it and then ask you
15:01:04 20 some questions.

15:01:07 21 On the ride to Toronto airport before
15:01:16 22 leaving for India, I was talking with, and there's
15:01:19 23 a redaction there, and it was -- would that have

15:01:22 1 been Emily Began?

15:01:24 2 **A.** I think it's Cici.

15:01:25 3 **Q.** Cici Wood?

15:01:27 4 **A.** But she would have been included so
15:01:30 5 maybe Abby Robinson.

15:01:31 6 **Q.** But anyway, you were talking with
15:01:33 7 another student about how when you travel --

15:01:34 8 **A.** Yeah.

15:01:35 9 **Q.** -- I get constipated very easily.

15:01:38 10 **A.** Correct.

15:01:38 11 **Q.** Did I read that correctly?

15:01:39 12 **A.** Yep.

15:01:39 13 **Q.** Okay. Do you remember which student
15:01:42 14 you were talking with on that?

15:01:43 15 **A.** I believe it was Abby Robinson.

15:01:45 16 **Q.** Okay. And then a few -- a few lines
15:01:53 17 down, when we arrived at our hotel in New Dehli,
15:01:55 18 he, meaning Dr. Noonan, asked me to stay behind in
15:01:59 19 the lobby after everyone left to go to bed.

15:02:01 20 He spoke with me saying, quote, I overheard
15:02:07 21 you say you have trouble pooping when you travel,
15:02:12 22 close quote. Did I read that correctly?

15:02:14 23 **A.** Yes.

15:02:15 1 **Q.** Okay. It looks like yours said that
15:02:23 2 you were fine and not to worry and he responded,
15:02:27 3 quote, no, this can be very serious sometimes.

15:02:30 4 I've had problems like this on my trips
15:02:32 5 before and it's important that you keep me in the
15:02:36 6 loop. Make sure you tell me whenever you, dot,
15:02:41 7 dot, dot, you know, close quote.

15:02:42 8 I read that correctly?

15:02:44 9 **A.** Correct.

15:02:44 10 **Q.** And Dr. Noonan was asking you to tell
15:02:47 11 him if you defecated?

15:02:50 12 **A.** Yes.

15:02:53 13 **Q.** Okay. And then you said a red flag
15:02:58 14 went off immediately for me because Cici, and
15:03:02 15 that's C-I-C-I, is that Cassidy Wood, Cici?

15:03:07 16 **A.** Yes.

15:03:07 17 **Q.** Okay. Had informed me that on a trip
15:03:10 18 to Uganda last spring, Dr. Noonan invited -- or
15:03:13 19 Dr. Noonan invited her roommate who was having
15:03:17 20 issues with constipation, to come into his room
15:03:20 21 privately and he then proceeded to offer to insert
15:03:23 22 a suppository into her butt, close quote.

15:03:29 23 I read that correctly?

15:03:33 1 **A.** Yes.

15:03:33 2 **Q.** Did Ms. Wood tell you who that student
15:03:36 3 was?

15:03:37 4 **A.** Yes.

15:03:37 5 **Q.** Who was it?

15:03:38 6 **A.** [REDACTED] was her name. I'm not sure what
15:03:41 7 her last name was.

15:03:42 8 **Q.** Do you know whether [REDACTED] made a report
15:03:45 9 to anyone at Canisius about that exchange?

15:03:48 10 **A.** No, she did not. We reached out to
15:03:51 11 her, she didn't want to report anything to the
15:03:53 12 school.

15:03:54 13 **Q.** Did Ms. Wood report anything to
15:03:59 14 Canisius about Kelly's interaction with Dr. Noonan
15:04:02 15 prior to February of 2019?

15:04:04 16 **A.** Not to my knowledge. I don't think she
15:04:07 17 would have felt comfortable without Kelly's
15:04:09 18 consent.

15:04:15 19 **Q.** Okay. The next morning after our talk
15:04:16 20 in the lobby, Dr. Noonan insisted I put some of his
15:04:20 21 ground flaxseed into my juice at breakfast.

15:04:23 22 **A.** Correct.

15:04:24 23 **Q.** He did that?

15:38:19 1 it looks like February 15th, 2019, was a Friday,
15:38:23 2 correct?

15:38:23 3 **A.** Correct.

15:38:24 4 **Q.** And Ms. Walleshauser indicated that
15:38:28 5 Dr. Noonan would be back in town -- would not be
15:38:32 6 back in town until next -- quote, next Thursday,
15:38:35 7 close quote, and that would be, if I did the math
15:38:38 8 right, February 21st?

15:38:39 9 **A.** Yeah.

15:38:39 10 **Q.** Okay. Did there come a time when you
15:38:48 11 heard further about Dr. Noonan?

15:38:53 12 **MS. NANAU:** Objection to form.

15:38:54 13 **BY MR. D'ANTONIO:**

15:38:55 14 **Q.** Okay. Did you get any communications
15:38:56 15 about Dr. Noonan on or around February 21st, 2019?

15:39:02 16 **A.** I'm not sure --

15:39:07 17 **Q.** Okay.

15:39:08 18 **A.** -- if -- yeah.

15:39:09 19 **Q.** Ms. Whelan, let me ask a different
15:39:13 20 question. Between the time that you went to
15:39:19 21 Ms. Walleshauser on February 11th and the end of
15:39:26 22 February 2019, did you see Professor Noonan?

15:39:31 23 **A.** I may have gone on a trip with him.

15:39:34 1 Again, I cannot remember if that was before or
15:39:36 2 after reporting to Canada to see the artist.

15:39:41 3 | Q. Okay.

15:39:42 4 **A.** If I did see him, that would have been
15:39:44 5 the only time.

15:39:44 6 Q. Okay. Do you believe that that trip to
15:39:49 7 Canada was sometime after you reported him to the
15:39:53 8 Title IX office?

15:39:54 9 **A.** I wouldn't be surprised if it wasn't
15:39:57 10 and I wouldn't be surprised if it was. I really
15:40:00 11 don't know.

15:40:01 12 Q. Okay. You just don't know?

A. Yeah, I really cannot remember.

15:40:05 14 MR. D'ANTONIO: Okay. This is AR.

15 The following was marked for Identification:

16 | EXH. AR E-mail dated 2/21/19.

15:40:22 17 | BY MR. D'ANTONIO:

15:40:24 18 Q. Handing you what's been marked Exhibit
15:40:26 19 AR for identification. Have you seen that document
15:40:32 20 before?

15:40:32 21 | **A.** Yes.

15:40:33 22 Q. Okay. That's an e-mail from
15:40:36 23 Professor Hogan?

15:46:20 1 responses.

15:46:21 2 Q. Let me ask you this question. I know
15:46:24 3 you said the concern -- one of the concerns that
15:46:27 4 you had was essentially Noonan's whereabouts?

15:46:31 5 A. Mm-hmm.

15:46:31 6 Q. Okay. We've just seen an e-mail where
15:46:35 7 you were told that he was out of town until the
15:46:37 8 21st, right?

15:46:38 9 A. Correct.

15:46:39 10 Q. Okay. And it sounds like you also were
15:46:44 11 away on February 21st and you weren't going to be
15:46:51 12 returning until the 25th, right?

15:46:58 13 If you look at your e-mail on February 21st
15:47:00 14 which is a Thursday, I'm out of town right now, but
15:47:03 15 will be back Monday.

15:47:05 16 A. Right.

15:47:05 17 Q. Okay. So you were off campus as well?

15:47:08 18 A. Right. My concerns were preceding
15:47:12 19 February 21st.

15:47:12 20 Q. Okay.

15:47:13 21 A. Yeah, of his whereabouts. Not after
15:47:15 22 the fact. After I received that e-mail that he had
15:47:19 23 been put on a leave of absence, that's when my

15:47:23 1 concerns about him being around subsided.

15:47:26 2 It was the moment between February 11th when
15:47:30 3 we reported him up until that moment where they
15:47:32 4 asked him to take a leave of absence that we were
15:47:35 5 most concerned.

15:47:36 6 **Q.** Well, you knew from an e-mail exchange
15:47:38 7 on February 15th that he was out of town, right,
15:47:42 8 and he wouldn't be back until the 21st?

15:47:45 9 **A.** We were told that, but there was still
15:47:49 10 a lot of strange information coming to us from
15:47:53 11 other students on campus who were saying he was
15:47:55 12 going on trips still or they didn't know if he was
15:47:58 13 or is he in his office.

15:48:00 14 **Q.** So those were all -- those were all
15:48:05 15 reports from students?

15:48:07 16 **A.** Yes.

15:48:08 17 **Q.** Okay. And would you characterize those
15:48:10 18 as rumors?

15:48:12 19 **MS. NANAU:** Objection to form. You may
15:48:13 20 answer.

15:48:15 21 **BY MR. D'ANTONIO:**

15:48:15 22 **Q.** Well, none of them turned out to be
15:48:17 23 factually accurate, right, he was in fact away?

15:48:20 1 **A.** But they're --

15:48:20 2 **MS. NANAU:** Objection to form.

15:48:21 3 **THE WITNESS:** But whether they're rumors or

15:48:23 4 not, they're a representation of the concern that

15:48:27 5 not only the Project Tiger kids had, but also

15:48:28 6 the -- the general ABEC students had about whether

15:48:31 7 or not they were going on a trip with Dr. Noonan

15:48:32 8 because we were not being communicated with.

15:48:34 9 We were told, oh, he's on a trip, don't
15:48:36 10 worry. Well, what if he wants to come back early
15:48:39 11 from that trip, what are his rights right now?

15:48:42 12 Like can he come into his office, can be he there,
15:48:45 13 will we be around him?

15:49:02 14 And yes so really can he come back to campus
15:49:06 15 right now, is it just a matter of convenience that
15:49:09 16 he's on a vacation or is that something that the
15:49:13 17 school is requiring, is he not allowed back?

15:49:17 18 Are we just supposed to be okay with, oh,
15:49:20 19 Dr. Noonan's on a vacation so you guys have nothing
15:49:22 20 to worry about? There was no clear communication
15:49:26 21 and then when we expressed concern -- like for
15:49:29 22 instance, these were all things that I wanted to
15:49:31 23 talk about Linda -- I wanted to talk to Linda

15:49:34 1 about.

15:49:34 2 And if you saw in the last e-mails in the --
15:49:36 3 in the previous document that we had, I said to her
15:49:40 4 can we set up a meeting and she just dismissed that
15:49:43 5 and said I think it would be best if we met after
15:49:46 6 February 21st.

15:49:47 7 So in our efforts to reach out and get more
15:49:51 8 information and to kind of be put at ease because
15:49:55 9 these e-mails were not doing that for us, we were
15:49:58 10 kind of refused those opportunities.

15:50:01 11 **BY MR. D'ANTONIO:**

15:50:01 12 Q. When you say you were refused those
15:50:03 13 opportunities, did you ever send a communication to
15:50:06 14 Ms. Walleshauser in words or substance between
15:50:10 15 February 11th and February 21st asking, for
15:50:14 16 example, that she clarify Professor Noonan's status
15:50:17 17 or that she tell you whether he was coming back
15:50:24 18 early, planning to come back early, could come back
15:50:27 19 early?

15:50:28 20 A. I was --

15:50:28 21 Q. Did you ever ask that?

15:50:29 22 A. I was aware of other girls in Project
15:50:32 23 Tiger who had.

15:56:22 1 **A.** Yeah.

15:56:22 2 **Q.** Okay. And did you have an
15:56:26 3 understanding as of March 5th, the date of this
15:56:30 4 e-mail, that they had been stepping into -- to play
15:56:35 5 some role in the absence of Dr. Noonan?

15:56:41 6 **MS. NANAU:** Objection to form. You may
15:56:42 7 answer.

15:56:42 8 **THE WITNESS:** I don't recall Dr. Russell's
15:56:46 9 involvement.

15:56:47 10 **BY MR. D'ANTONIO:**

15:56:48 11 **Q.** Okay.

15:56:48 12 **A.** I only recall Dr. Margulis being
15:56:51 13 involved.

15:56:51 14 **Q.** Okay. Did Dr. Russell, if you know,
15:56:57 15 wind up assisting the group with the podcast?

15:57:00 16 **A.** Not to my recollection.

15:57:03 17 **Q.** Okay. Did Dr. Russell provide some
15:57:09 18 academic advisement for people who previously had
15:57:13 19 been advised by Dr. Noonan, if you know?

15:57:16 20 **A.** I'm not -- I'm not aware if we had.

15:57:18 21 **Q.** Okay. Did Dr. Russell provide some
15:57:20 22 opportunities for working in his lab for students
15:57:27 23 who previously had worked with Dr. Noonan in his

15:57:29 1 lab, if you know?

15:57:30 2 **A.** Not to my knowledge.

15:57:31 3 **Q.** Okay. Do you know whether Dr. Russell

15:57:33 4 maintained a lab?

15:57:34 5 **A.** I'm not sure.

15:57:37 6 **Q.** Okay. I think -- and you -- I think

15:57:40 7 you told me, but tell me -- this may just be my

15:57:42 8 missrecollection. You didn't have much interaction

15:57:47 9 with Dr. Russell?

15:57:48 10 **A.** No. The only interaction I had with

15:57:56 11 him was he was my -- I'm blanking on what the term

15:57:59 12 is -- he was my advisor.

15:58:00 13 **Q.** Okay.

15:58:00 14 **A.** So I would really just go in for

15:58:02 15 meeting with him and we'd decide what courses I was

15:58:04 16 going to take, but that was like the extent of our

15:58:07 17 relationship. We didn't really have one other

15:58:12 18 than --

15:58:12 19 **Q.** And I take it as a -- by the time you

15:58:14 20 get to your junior year, you probably have somewhat

15:58:17 21 less need for an academic advisor?

15:58:19 22 **A.** Yeah. I think the last time I met with

15:58:21 23 him was my sophomore year. So --

16:06:33 1 **Q.** And that was?

16:06:34 2 **A.** Sierra.

16:06:35 3 **Q.** Okay. And I think you told me that

16:06:38 4 that's because Sierra was the only one who had the

16:06:41 5 skill set?

16:06:42 6 **A.** So she was a dual major.

16:06:44 7 **Q.** Okay. I understand.

16:06:45 8 **A.** Yeah.

16:06:45 9 **Q.** So I think you said none of the rest of

16:06:48 10 you --

16:06:48 11 **A.** Right.

16:06:49 12 **Q.** -- had the skill set to be able to

16:06:52 13 create the video, the documentary?

16:06:55 14 **A.** Right. To actually create a

16:06:59 15 documentary. We -- yes. We didn't have access to

16:07:01 16 the equipment.

16:07:02 17 **Q.** Okay. I understand. At some point

16:07:05 18 Sierra had both access to the equipment and access

16:07:08 19 to the footage, right?

16:07:09 20 **A.** Correct.

16:07:09 21 **MS. NANAU:** Objection to form.

16:07:10 22 **BY MR. D'ANTONIO:**

16:07:10 23 **Q.** Okay. And if the group wanted to

16:07:14 1 create a documentary, you could have worked with
16:07:17 2 Sierra to create the documentary, right?

16:07:19 3 **MS. NANAU:** Objection. Misstates the
16:07:21 4 record.

16:07:22 5 **BY MR. D'ANTONIO:**

16:07:23 6 **Q.** Could you have worked with Sierra to
16:07:24 7 create a documentary using the footage and the
16:07:26 8 equipment?

16:07:26 9 **A.** So we no longer were going to be
16:07:29 10 receiving credit and she would not be being paid.
16:07:31 11 So we couldn't all just -- we then had to go
16:07:35 12 forward with our academics in other ways.

16:07:37 13 Like we didn't have the time or the
16:07:39 14 compensation. That ship had sailed and Canisius
16:07:43 15 had failed us in that way.

16:07:44 16 **Q.** Okay.

16:07:45 17 **A.** So it wasn't just like going to fix
16:07:48 18 everything that we got access to the video footage
16:07:50 19 in the summer long after we ever needed it in the
16:07:53 20 first place.

16:07:53 21 And also [REDACTED] was one of the
16:07:56 22 students who worked with Sierra and would have
16:07:58 23 produced the video and so now she was gone and so

16:08:01 1 that would have left Sierra to create the entire
16:08:03 2 video herself and at this point, she didn't have
16:08:08 3 the time or the money to do so.

16:08:10 4 **Q.** Okay. Let's -- let's unpack that a
16:08:14 5 bit. Sierra I think you testified did actually
16:08:19 6 access both the equipment and the footage, right?

16:08:22 7 **A.** To my knowledge, yes.

16:08:23 8 **Q.** Okay. Did any of you reach out to
16:08:29 9 Sierra and ask to participate in creation of a
16:08:35 10 documentary or some product? That's a yes or no.

16:08:40 11 **MS. NANAU:** Objection to form.

16:08:42 12 **BY MR. D'ANTONIO:**

16:08:42 13 **Q.** Did you or did you not?

16:08:44 14 **A.** Not to my recollection.

16:08:47 15 **Q.** Okay. Did you ever ask Canisius
16:08:52 16 whether it would be willing to supply you with
16:08:58 17 someone who could help Sierra and fill the shoes
16:09:04 18 that [REDACTED] apparently had -- had vacated?

16:09:09 19 **MS. NANAU:** Objection to form.

16:09:09 20 **THE WITNESS:** The course was over.

16:09:10 21 **BY MR. D'ANTONIO:**

16:09:10 22 **Q.** That's not the question. A different
16:09:12 23 question. My question is, did you ask Canisius?

16:22:23 1 **Q.** Ignatian Study Day.

16:22:23 2 **A.** Yes, that's exactly what it is. Yes.

 3 **Q.** Okay.

16:22:26 4 **A.** Thank you.

16:22:27 5 **Q.** Okay. I've heard of it too.

16:22:29 6 **A.** Yes.

16:22:34 7 **Q.** Thank you. Did there come a time,

16:22:38 8 Ms. Whelan, when you sought out counseling from the

16:22:44 9 college's counseling center?

16:22:45 10 **A.** Yes.

16:22:46 11 **Q.** Okay. And when did that happen, if you

16:22:50 12 remember?

16:22:50 13 **A.** That was in the winter into spring so

16:22:57 14 it was the spring semester of 2019. Exactly when

16:23:04 15 like what month, I'm not sure. I want to say like

16:23:07 16 March maybe.

16:23:08 17 **Q.** Okay.

16:23:09 18 **A.** Yeah. It was still cold out and there

16:23:11 19 was snow on the ground I remember.

16:23:13 20 **Q.** And how did you learn about the

16:23:16 21 counseling services available at the counseling

16:23:19 22 center?

16:23:21 23 **A.** So I had kind of stopped -- I started

16:23:25 1 to develop an issue with disordered eating. I
16:23:29 2 started to become extremely depressed. I was not
16:23:32 3 someone who previously had dealt with depression
16:23:35 4 prior to that year.

16:23:38 5 I was having what now I realize is suicidal
16:23:42 6 ideation and so I was reaching out to my mom and I
16:23:48 7 was explaining to her what I was experiencing, how
16:23:53 8 I believed that the -- the loss of this professor
16:23:59 9 was also the loss of this passion I had that was
16:24:07 10 really fueling me as a student at Canisius.

16:24:09 11 And I just felt very hopeless and very lost
16:24:12 12 and she told me I had to see a doctor so I went to
16:24:15 13 the Canisius -- the nurse's office there and the
16:24:20 14 doctor --

16:24:20 15 Q. I think it's called health services.

16:24:21 16 A. The health center or services.

17 Q. Yep.

16:24:24 18 A. And the doctor had me fill out a mental
16:24:26 19 health questionnaire and she was very concerned.
16:24:29 20 She told me that she would like me to get blood
16:24:31 21 work done and then she would also like me if I was
16:24:34 22 willing to set up a meeting with Canisius
16:24:36 23 counseling center. So that's how I was initially

16:24:39 1 referred to the counseling center.

16:24:41 2 Q. Okay. And did you identify when you --
3 strike that.

16:24:47 4 You went to the counseling center at some
16:24:50 5 point?

16:24:51 6 A. Yes.

16:24:51 7 Q. Okay. And you were assigned a
16:24:53 8 counselor?

16:24:53 9 A. Yes.

16:24:53 10 Q. And do you remember the name of that
16:24:55 11 person?

16:24:56 12 A. I want to say Alice, but I could
16:25:03 13 totally be wrong.

16:25:04 14 Q. Okay.

16:25:04 15 A. Yeah. She was a blonde -- blonde lady.
16:25:08 16 That's kind of my memory of her.

16:25:10 17 Q. Maybe -- maybe Alison?

16:25:11 18 A. Yeah, Alison.

16:25:12 19 Q. Okay.

16:25:12 20 A. Yeah.

16:25:13 21 Q. And did you subsequently meet with
16:25:15 22 another counselor named Eileen?

16:25:17 23 A. I did meet with Eileen once, yes.

16:25:20 1 **Q.** Okay. When you met with them, did you
16:25:27 2 describe other issues that were of concern to you
16:25:31 3 besides the loss of your passion for the study?

16:25:37 4 **A.** It was my first time in therapy ever
16:25:39 5 and so I definitely -- you know, they ask you
16:25:43 6 questions about your entire life.

16:25:44 7 So I definitely talked about, you know, what
16:25:49 8 had occurred to me freshman year. I was also on
16:25:54 9 the outs of a relationship I had had when I was
16:25:56 10 studying abroad so that was something I was
16:25:59 11 struggling with at the time as well.

16:26:04 12 But the thing I remember struggling with the
16:26:06 13 most was Dr. Noonan and I remember not being very
16:26:08 14 communicative or very hesitant about can I tell the
16:26:14 15 Canisius counselors about my issues with Canisius
16:26:20 16 College.

16:26:20 17 And so I don't remember being very
16:26:22 18 forthright. I remember very lightly mentioning
16:26:24 19 Dr. Noonan to my counselor and gauging her reaction
16:26:27 20 and then one session I remember really talking to
16:26:30 21 her about the whole experience.

16:26:32 22 But I also remember being very concerned and
16:26:38 23 worried about what my rights were in that

16:26:43 1 circumstance. Like I -- I guess I was afraid that
16:26:46 2 the information could be used against me.

16:26:56 3 **MR. D'ANTONIO:** Okay. AV.

16:27:17 4 **MS. NANAU:** So I believe these have not been
16:27:20 5 previously produced, right?

16:27:21 6 **MR. D'ANTONIO:** I believe they have been.

16:27:24 7 My understanding is that -- is that these were sent
16:27:27 8 along to you when we got them in from the health
16:27:31 9 center. So --

16:27:32 10 **MS. NANAU:** Okay. Is there a Bates stamp?

16:27:34 11 **MR. D'ANTONIO:** Because you sent us -- yeah,
16:27:36 12 there is at the top right, HR. Do you see the HR
16:27:39 13 numbers?

16:27:39 14 **MS. NANAU:** Okay. I didn't know that this
16:27:40 15 was a Bates stamp.

16:27:42 16 **MR. D'ANTONIO:** I believe it is.

16:27:43 17 **MS. NANAU:** Okay. I -- I have never seen
16:27:46 18 these records before. I went through the entire
16:27:49 19 Canisius production within the last few days so
16:27:54 20 maybe we can confer later about productions with an
16:27:58 21 HR Bates stamp.

16:27:59 22 **MR. D'ANTONIO:** Sure.

16:28:05 23 **MS. NANAU:** Are you going to then ask

16:28:07 1 Ms. Whelan specific questions about these records?

16:28:09 2 **MR. D'ANTONIO:** I am.

16:28:09 3 **MS. NANAU:** Okay. So then, Hannah, you

16:28:11 4 should review the records.

16:28:13 5 **MR. D'ANTONIO:** Oh, of course. Do you want

16:28:14 6 a few minutes to --

16:28:15 7 **THE WITNESS:** Yeah, that would be great.

16:28:17 8 Thank you.

16:28:18 9 **MR. D'ANTONIO:** Okay. Sure.

10 **The following was marked for Identification:**

11 **EXH. AV** **Canisius College Counseling**
12 **Center Client Notes for**
13 **Hannah Whelan.**

16:34:01 14 **BY MR. D'ANTONIO:**

16:34:06 15 **Q.** Have you had a chance to look through
16:34:07 16 that?

16:34:07 17 **A.** Yes.

16:34:08 18 **Q.** Okay. So I'm going to go to the last
16:34:14 19 page which you'll see the little numbers at the top
16:34:18 20 is HR68. It's actually HR67 onto 68.

16:34:25 21 That appears to be your notes of your first
16:34:28 22 visit to the Canisius counseling center. Do you
16:34:31 23 agree with that?